

Fitzpatrick
36560-121503



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***DECEMBER 15, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

- 1. Call to Order--Roll Call.** All Council Members were present.
(Council Member Fitzpatrick arrived late.)

The Invocation was delivered by Elder Sylvan A. Moyer, Pastor, Unlimited Power Apostolic Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, December 18, 2003, at 7:00 p.m., and Saturday, December 20, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A Resolution recognizing the service of the Honorable David C. Anderson, City Treasurer.

Adopted Resolution No. 36560-121503 (6-0)
File #34

A Resolution recognizing the service of the Honorable Arthur B. "Bert" Crush, III, Clerk, Roanoke City Circuit Court.

Adopted Resolution No. 36561-121503 (6-0)
File #103

3. CONSENT AGENDA

Approved with one amendment to Item C-1 (6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Monday, November 3, 2003, and recessed until Friday, November 14, 2003.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded. (One amendment was approved.)

C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #132-110

C-3

Qualification of the following persons:

Louis O. Brown as a member of the Advisory Board of Human Services, for a term ending November 30, 2007;

File #110-318

Sandra K. Brunk as a member of the Roanoke Arts Commission, for a term ending June 30, 2006;

File #110-230

Terri R. Jones as a member of the Roanoke Arts Commission, to fill the unexpired term of Michael Brennan, ending June 30, 2004;

File #110-230

William M. Hackworth as a member of the Virginia Western Community College Board of Directors, to fill the unexpired term of Michael F. Urbanski, resigned, ending June 30, 2007; and

File #110-467

Philip H. Lemon and Joel W. Richert as members of the Board of Zoning Appeals, for terms ending December 31, 2006.

File #110-51

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from the Honorable George M. McMillan, Sheriff, with regard to establishment of an Inmate Fee Program for fiscal year 2004; and appropriation of funds. (Sponsored by Vice-Mayor C. Nelson Harris and Council Member Alfred T. Dowe, Jr.)

Adopted Budget Ordinance No. 36562-121503 and Resolution No. 36563-121503 (6-0)

File #121-123-60

- b. Request of The Arts Council of the Blue Ridge to present information on "Downtown -- This is Living", a walking tour of downtown residential spaces. Gregg Lewis, Member, Board of Directors, Spokesperson. (Sponsored by the City Manager)

(No Action)

File #348

- c. Request of Blue Ridge Behavioral Healthcare to present a report with regard to services provided to City residents in fiscal year 2003. Sheri Bernath, Board Member; and S. James Sikkema, Executive Director, Spokespersons. (Sponsored by the City Manager)

(No Action)

File #110-314

(Council Member Fitzpatrick entered the meeting.)

- d. Request of the Roanoke Valley Convention and Visitors Bureau to present the 2003 Annual Report. David L. Kjolhede, Spokesperson. (Sponsored by the City Manager)

Council Member Bestpitch requested information on results of the City's investment due to increased contributions to the Roanoke Valley Convention and Visitor's Bureau during the past several years.

Council Member Bestpitch advised that the City of Roanoke will celebrate its 125th anniversary in 2007 and suggested that the City Manager recommend appropriate activities to commemorate the event.

File #293-87

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

**The City Manager introduced Jane Conlin, Director, Human/Social Services, effective January 5, 2004.
File #72-184**

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of disaster assistance funds, in the amount of \$137,005.00, from the Federal Emergency Management Agency and the Virginia Department of Emergency Management.

**Adopted Budget Ordinance No. 36564-121503 and Resolution No. 36565-121503 (7-0)
File #60-188-237**

2. Execution of the Performance Agreement between the City of Roanoke, the Industrial Development Authority, and Boxley Materials Company, in the amount of \$154,000.00, to promote economic development in the City of Roanoke.

**Adopted Ordinance No. 36566-121503 (7-0)
File #207-450**

3. Amendment to the contract with Lancor Parking, L.L.C., to modify the performance bond requirement for management and operation of certain City-owned and/or controlled parking facilities.

**Adopted Ordinance No. 36567-121503 (7-0)
File #166-553**

4. Amendment of the City Code to eliminate Enterprise Zone One, effective January 1, 2004; and to extend the filing date for applications for Enterprise Zone Two until December 30, 2015.

Adopted Ordinance No. 36568-121503 (7-0)
File #24-266

5. Donation of a City-owned vehicle to Total Action Against Poverty in Roanoke Valley, Inc., to be used in connection with the TAP Youth Build Program.

Adopted Resolution No. 36569-121503 (7-0)
File #166-226-304

6. Transfer and appropriation of funds in connection with proceeds from the sale of 15 acres of land in the Roanoke Centre for Industry and Technology, and the sale of 400 square feet of City-owned property located on Airport Road, N. W., to the Federal Aviation Administration.

Adopted Ordinance No. 36570-121503 (7-0)
File #166-207-2-9

7. Transfer of funds in connection with collection system metering and analysis services.

Adopted Budget Ordinance No. 36571-121503 (7-0)
File #60-468-27

8. Amendment to the contract with Robinson Pipe Cleaning Company to provide for removal, transportation, and disposal of biosolids from the Water Pollution Control Plant for an additional one year period, retroactive to October 1, 2003 through September 30, 2004.

Adopted Budget Ordinance No. 36572-121503 and Ordinance No. 36573-121503 (7-0)
File #468-27-60

9. Amendment of the City Code to provide for a Driving Under the Influence (DUI) Recovery Program; and appropriation of funds.

Adopted Budget Ordinance No. 36574-121503 and Ordinance No. 36575-121503 (7-0)
File #24-5-236

10. Execution of Change Order No. 3 to the contract with H. & S. Construction Company, in connection with the Mill Mountain Greenway, in the amount of \$102,559.00.

Adopted Budget Ordinance No. 36576-121503 and Ordinance No. 36577-121503 (7-0)
File #379

Council Member Cutler suggested that a public event be held at the appropriate time and that Council Members either walk or bicycle down the Mill Mountain Greenway.

11. Execution of Amendment No. 1 to the Roanoke Valley Regional Cable Television Committee Agreement with the City of Roanoke, County of Roanoke and the Town of Vinton, to reflect references to the recently adopted Cable Television Franchise Ordinances and Cable Television Franchise Agreements, effective October 31, 2003.

Adopted Ordinance No. 36578-121503 (7-0)
File #448

b. DIRECTOR OF FINANCE:

1. A report with regard to the audited Capital Maintenance and Equipment Replacement Program (CMERP) for fiscal year 2003.

Received and filed.
File #1-60-270

2. Financial Reports of the City of Roanoke and the City of Roanoke Pension Plan for the year ended June 30, 2003.

**Received and filed.
File #10-429-1**

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

**9. INTRODUCTION AND CONSIDERATION OF
ORDINANCES AND RESOLUTIONS: NONE.**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council Member Dowe commended all persons responsible for the successful Dickens of a Christmas which will be held on December 5– 19, 2003, on the City Market in downtown Roanoke.
File #87-277**

**Having attended the National League of Cities Congressional City Congress in Nashville, Tennessee, on December 10 - 13, and talking with officials from other localities with regard to various programs, Council Member Wyatt commended the City of Roanoke on adopting and administrating programs that other localities are just beginning to think about.
File #132-228**

Council Member Cutler advised that the City of Roanoke was the recipient of two awards at the National League of Cities Annual Conference; i.e.:

- **Center for Digital Government and Micro Soft Award for the best web site and e-government program for any city the size of Roanoke in the United States; and
File #80-228-301**
- **The James C. Howland Award for Urban Enrichment for the City's water conservation/education program, "Every Drop Counts".
File #80-468**

**The Mayor advised that during conference sessions and group discussions, issues of concern to the majority of officials attending the National League of Cities Conference centered around funding and the role of local government.
File #228**

**The Mayor called attention to the 100th anniversary of the Wright Brothers' First Flight (December 17, 1903 - December 17, 2003) at Kitty Hawk, North Carolina; whereupon, in honor of the event, he presented each Member of Council with a certificate establishing the Roanoke Air Force.
File #9-87**

**Vice-Mayor Harris advised that the City of Lynchburg has adopted a two-year budget cycle; whereupon, he requested that the City Manager contact officials of the City of Lynchburg to obtain information on the implementation process, and report to Council accordingly.
File #60**

- b. **Vacancies on certain authorities, boards, commissions and committees appointed by Council.**

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke with regard to Roanoke's school system and the proposed stadium/amphitheater on Orange Avenue/Williamson Road.

File #467-122-66

Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, spoke with regard to marketing of Victory Stadium.

File #122

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke with regard to character-building and stadium/amphitheater costs.

File #122

12. CITY MANAGER COMMENTS:

The City Manager advised that at its meeting on Tuesday, December 9, 2003, the Council of the Town of Blacksburg unanimously voted to support the bus shuttle system between the City of Roanoke and the Town of Blacksburg which should be operational by late Spring, 2004.

File #104-55

The City Manager commended staff of the Departments of Parks and Recreation and Street Maintenance on clearing streets and parking lots of public facilities during the two recent snow events both of which occurred during times of special events in the City of Roanoke.

File #104-184-410

The City Manager encouraged citizens to clear snow from the sidewalk in front of their residence following snow events.

File #104-410

On behalf of City staff, the City Manager expressed appreciation to Council for approval of two additional holidays (December 26, 2003 and January 2, 2004). She advised that staff appreciates the support of Council during the past year; January 1, 2004, will bring additional opportunities and challenges to the City and staff is ready and willing to take Council's leadership and move the City forward to even greater heights.
File #104-184

The Mayor declared the meeting in recess for two closed sessions.

THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***DECEMBER 15, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Vice-Mayor Harris was absent.)

The Invocation was delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Thursday, December 18, 2003, at 7:00 p.m., and Saturday, December 20, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Joint public hearing by Council and the City Planning Commission on amendments to the City Code to permit the establishment of outpatient mental health and substance abuse clinics as a special exception use in only the C-2, General Commercial District, of the City of Roanoke. R. Brian Townsend, Agent, City Planning Commission.

**Adopted Ordinance No. 36579-121503, as amended.
File #51-24**

2. Views of citizens regarding appointment of a School Trustee to fill the unexpired term of Melinda J. Payne, resigned, ending June 30, 2004.

**(No Action)
File #467**

3. Request of Farren and Lynette Webb that a parcel of land located at the corner of Yellow Mountain Road and Melcher Street, S. E., identified as Official Tax No. 4300722, be rezoned from CN, Neighborhood Commercial District, to RM-1, Residential Multi-family, Low Density District, subject to certain conditions proffered by the petitioners. Edward A. Natt, Attorney.

**Adopted Ordinance No. 36580-121503 (6-0)
File #51**

4. Request of Super D Holdings, L.L.C., that property located at 414, 416, 418 and 420 Ninth Street, S. E., identified as Official Tax Nos. 4112708 - 4112711, inclusive, be rezoned from C-2, General Commercial District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioner. Edward A. Natt, Attorney.

**Adopted Ordinance No. 36581-121503 (6-0)
File #51**

5. Request of Norman R. and Marie A. Pratt that certain parcels of land located at the intersection of Stewart Avenue and 9th Street, S. E., identified as Official Tax Nos. 4112016 - 4112018, inclusive, be rezoned from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners. Maryellen F. Goodlatte, Attorney.

Adopted Ordinance No. 36582-121503, as amended. (6-0)
File #51

6. Proposed lease of City-owned property located in the 400 and 500 blocks of Church Avenue, S. W., when such property is acquired by the City, pursuant to an Agreement dated December 24, 2002, between the City and the YMCA of Roanoke Valley, Inc., to the YMCA of Roanoke Valley, Inc., for a term commencing August 1, 2004, and ending December 1, 2005, subject to automatic renewal on a month to month basis. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36583-121503 (6-0)
File #166-100-373

7. Extension of a lease agreement with The Hertz Corporation for an 87,120 square foot parcel of land located at 1302 Municipal Road, N. W., for a period of five years. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36584-121503 (6-0)
File #373-166

8. Vacation of portions of sanitary sewer and drainage easements, in connection with development of a parcel of privately owned land located on Wildwood Road, S. W., Official Tax No. 1070605. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36585-121503 (6-0)
File #28-27-166

B. OTHER BUSINESS:

- 1.(a) Petition for appeal of a decision of the Architectural Review Board in connection with denial of a Certificate of Appropriateness, filed by Lewis R. Burger, Owner, Burger & Son, Inc., with regard to property located at 802 Marshall Avenue, S. W. Lewis R. Burger, Spokesperson.
- (b) Recommendation of the Architectural Review Board that Council affirm the decision of the Board to deny issuance of a Certificate of Appropriateness, in connection with the above referenced property

**Based upon evidence (testimony and documents) presented, Council affirmed the decision of the City of Roanoke Architectural Review Board on October 9, 2003, that no Certificate of Appropriateness be issued for the installation of siding and windows at 802 Marshall Avenue, S.W., as set forth in the Petition for Appeal, on the grounds that the proposed installation would not maintain the architectural defining features of the building. (5 - 1, Mayor Smith voted no.)
File #249**

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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The following persons addressed Council with regard to the proposed methadone clinic on Hershberger Road, N. W., renovating Victory Stadium, the overall uneasiness of citizens of the City of Roanoke, the City's work force, the spending of taxpayers' money, and Roanoke's school system:

**Ms. Perneller Wilson, 3045 Willow Road, N. W.
Mr. Michael Herman, 2819 Carolina Avenue, S. W.
Mr. Matthew Herman, 2819 Carolina Avenue, S. W.
Ms. Helen E. Davis, 35 Patton Avenue, N. E.
Mr. Robert E. Gravely, 729 Loudon Avenue, N. W.**

**Mr. Chris Craft, 1501 East Gate Avenue, N. E.
File #76-166-122-467-184**

Certification of Closed Session (6-0)

**Council ratified the appointment of George Logan as the seventh member of the Board of Directors, Western Virginia Water Authority.
File #468**

THE COUNCIL MEETING WILL STAND IN RECESS UNTIL TUESDAY, DECEMBER 30, 2003, AT 9:30 A.M., AT THE ROANOKE COUNTY ADMINISTRATION CENTER, FOURTH FLOOR TRAINING ROOM, 5204 BERNARD DRIVE, S. W., FOR A JOINT MEETING OF ROANOKE CITY COUNCIL AND THE ROANOKE COUNTY BOARD OF SUPERVISORS, TO CONTINUE DISCUSSIONS REGARDING THE WESTERN VIRGINIA WATER AUTHORITY.